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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Daniel Mui

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PARSONS HSUE & DE RUNTZ LLP
655 MONTGOMERY STREET
SUITE 1800
SAN FRANCISCO, CA 94111

EXAMINER

BROWN, VERNAL U

ART UNIT

PAPER NUMBER

2635

DATE MAILED: 05/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/655,733

Applicant(s)

MUI ET AL.

Examiner

Vernal U Brown

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 March 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 24-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 24-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

This action is responsive to communication filed on March 5, 2004.

Response to Amendment

The examiner has acknowledged the cancellation of claims 1-23, the amendment of claims 24-27 and the addition of claims 29-31.

Response to Arguments

Regarding applicant's argument concerning the reference of Amano, the reference of Amano teaches storing the remote control codes for the remote 32A and 32B in the memory of the receiver (col. 5 line 63-col. 6 line7). The learning of the remote control code is used in Amano as a method of loading the remote control codes into the memory of the receiver. Amano further teaches the remote control 32A and 32B operate independently and therefore self sufficient to control the electronic device (col. 6 lines 1-12). Amano teaches the remote controllers employ different remote control codes (col. 5 lines 65-66) and the remote signal received by the receiver causes different codes to be generated based on which transmitter transmits the remote control signal (col. 6 lines 1-10).

Regarding applicant's argument concerning first identifying a record of stored signal pattern, Fong et al. also teaches the device having a decoder (24) connected to the receiver (figure 2) to identify the signal protocol of a received signal and performing the decoded function (col. 13 lines 35-40).

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Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 24-25 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fong et al. U.S Patent 6309275 in view of Amano U.S Patent 4807052.

Regarding claim 24, Fong et al. teaches a device other than audio-video equipment (figure 1) comprising a photo-detector receiver (34) to receive infrared radiation and generate an output signal (col. 5 lines 16-18). Fong et al. also teaches the device having a decoder (24) connected to the receiver (figure 2) to identify the signal protocol of a received signal and performing the decoded function (col. 13 lines 35-40). Fong et al. is however not explicit in teaching the receiver of the wireless control signal simultaneously storing protocols of the control signal emitted by a plurality of remote control. Amano in an art related remote control electronic apparatus teaches receiver with a memory for simultaneously storing different signal pattern emitted by a plurality of remote controls of an electronic apparatus (col. 2 line 58-col. 3 line 16) in order to facilitate the use of different remote control to control the apparatus.

It would have been obvious to one of ordinary skill in the art for the receiver of the wireless control signal simultaneously storing protocols of the control signal emitted by a plurality of remote control in Fong et al. as evidenced by Amano because Fong et al. suggests a receiver for receiving signal from different remote control protocol and Amano teaches an

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electronic device having a receiver with a memory for simultaneously storing different signal pattern emitted by a plurality of remote controls of an electronic apparatus.

Regarding claim 25, Fong et al. teaches the device comprises a sound generator and the function decoded by the decoder includes a sound control function that is performed with the sound generator (col. 5 lines 48-52).

Regarding claim 28, Fong teaches the apparatus other than audio-video equipment is installed in a toy (figure 1).

Claims 26-27 rejected under 35 U.S.C. 103(a) as being unpatentable over Fong et al. U.S Patent 6309275 in view of Amano U.S Patent 4807052 and further in view of Pope U.S Patent 5963624.

Regarding claim 26, Fong et al. in view of Amano teaches a toy (figure 1) comprising a sound generator (col. 5 lines 21-25) but is silent on teaching the audio-video function of the matched signal pattern includes muting the sound of the audio-video equipment and muting the sound source of the apparatus other than the audio-video equipment. Pope in an art related remote control system teaches a remote control having a mute function for muting the device (col. 1 lines 53-55).

It would have been obvious to one of ordinary skill in the art for the decoded sound control function includes muting the sound generator in Fong et al. in view of Amano as evidenced by Pope because Fong et al. in view of Amano suggests learning the function of the remote control and it is typical of remote controllers to have mute button as evidenced by Pope.

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Regarding claim 27, Fong et al. teaches the use of an audio-video remote control to control a sound producing device other than an audio-video device (col. 13 line 36, col. 5 lines 23-26) but is silent on teaching the designated function includes raising or lowering of sound source. Amano in an art related remote control electronic apparatus teaches raising or lowering the volume of the sound source (col. 4 lines 62-66) and Pope in an art related invention in the same field of endeavor of remote control teaches a remote control having the decoded sound control function includes adjusting a volume of sound emitted by the sound generator (col. 1 lines 59-63).

It would have been obvious to one of ordinary skill in the art for the decoded sound control function to include adjusting a volume of sound emitted by the sound generator in Fong et al. in view of Amano as evidenced by Pope because Fong et al. in view of Amano suggests learning the function of the remote control and it is typical of remote controllers to have volume control function as evidenced by Amano.

Claims 29-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Amano U.S. Patent 4807052 in view of Fong et al. U.S. Patent 6309275 .

Regarding claims 29-30, Amano teaches a method of remotely controlling a audio-video device equipment to perform one or more functions (col. 3 lines 56-65), comprising: simultaneously storing a plurality of records in the device of characteristics of signals emitted by a plurality of different types of remote controls (32A, 32B) of audio-video equipment (col. 4 lines 15-24, col. 4 lines 1-5), the individual records storing one or more signal patterns that are

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individually linked within the record with one of the one or more functions to be performed by the device (col. 6 lines 1-6), comparing a signal received by the device from one of the different types of remote controls with the records stored in the device to identify one of the records corresponding to the type of remote control emitting the received signal and comparing the signal received by the device from the remote control with the one or more signal patterns within the identified record in order to identify a signal pattern within the identified record having that of the received signal, and executing one of the one or more functions in the device that is linked in the identified record with the identified signal pattern (col. 8 lines 19-36). Amano is however silent on teaching the device is other than audio-video equipment. Fong et al. in an art related remote controlled device teaches remotely controlling a device (toy) other than audio-video device (col. 3 lines 25-32) using audio-video remote controller (col. 13 line 36).

It would have been obvious to one of ordinary skill in the art to use a remote to control a device that is not audio -video device in Amano as evidenced by Fong et al. because Amano suggests a method of remotely controlling audio-video device and a receiver storing remote control codes for a plurality of remote controls and Fong et al. teaches controlling a non audio-video equipment to perform one or more functions using audio-video remote controller.

Regarding claims 31, Amano teaches the control of a sound generator using a remote control (col. 4 lines 62-66) but is silent on teaching the device is other than audio-video equipment. Amano is however silent on teaching the device is other than audio-video equipment. Fong et al. in an art related remote controlled device teaches remotely controlling a

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device other than audio-video device (col. 3 lines 25-32) using audio-video remote controller (col. 13 line 36).

It would have been obvious to one of ordinary skill in the art to use a remote to control a device that is not audio -video device in Amano as evidenced by Fong et al. because Amano suggests a method of remotely controlling audio-video device and a receiver storing remote control codes for a plurality of remote controls and Fong et al. teaches controlling a non audio-video equipment to perform one or more functions using audio-video remote controller.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vernal U Brown whose telephone number is 703-305-3864. The examiner can normally be reached on M-Th, 8:30 AM-6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik can be reached on 703-305-4704. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Vernal Brown
May 19, 2004

MICHAEL HORABIK
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

